

**COMPLAINT INVESTIGATION SUMMARY**

COMPLAINT NUMBER:	2203.05
COMPLAINT INVESTIGATOR:	Joe Bear
DATE OF COMPLAINT:	January 3, 2005
DATE OF REPORT:	February 8, 2005
REQUEST FOR RECONSIDERATION:	yes/revised – April 11, 2005
DATE OF CLOSURE:	June 3, 2005

**COMPLAINT ISSUES:**

Whether Jay School Corporation violated:

511 IAC 7-27-7(a) by failing to implement the student's individualized education program (IEP) as written, specifically by failing to provide the following assistive technology required by the IEP:

- a. Working laptop computer, with required programs installed and currently licensed;
- b. Scanner;
- c. Text-to-speech software (Kurzweil) on laptop computer.

511 IAC 7-27-3(e)(2) by failing to ensure the participation in the case conference committee (CCC) of an individual who can interpret the instructional implications of evaluation results.

**FINDINGS OF FACT:**

1. The Student has been identified as having a visual impairment and has been determined eligible for special education and related services.
2. The Student's IEP developed on September 1, 2004, calls for the Student to receive a laptop computer, access to a scanner, and text-to-speech (Kurzweil) software.
3. The School provided a laptop computer to the Student on September 1, 2004. Following screen damage on October 19 (Tuesday), the Student was given a second laptop on October 22 (Friday). Following further damage on January 14, 2005 (Thursday), a third laptop was provided to the Student on January 18 (Tuesday). The exchange of equipment on January 18, 2005, was after the filing of the complaint. The School has a license to use the Kurzweil software.
4. According to the School, the scanner software was installed on the Student's laptop on September 17, 2004. The school reports additional scanners were purchased on September 28, 2005, as documented by invoice, to replace the 6<sup>th</sup> grade resource room scanner and provide a scanner in the ED room in the 7<sup>th</sup> grade wing. A recent photograph shows a scanner that is identified as the property of the school corporation; however, there is no indication of when the scanner was installed in the resource room. ScanMaker software was installed on the second laptop on October 22, 2004. The TOR requested the scanner software to be reinstalled on the Student's second laptop on December 6, 2004. The School has not documented when the reinstallation was completed.
5. The School installed the Kurzweil text-to-speech software on the Student's laptop computer on either September 10 or September 17, 2004 (two different dates are reported). An error or damage occurred

to the Kurzweil software, and it had to be reinstalled. A Work Request for reinstalling the software was submitted on October 4, but a date is not given for when the reinstallation was completed.

6. The Student has complained of the laptop having low power. The TOR and the special education resource teacher only carry trial disks with them when they are working with students. These disks can install the Kurzweil software, but allow for a limited number of boots. Low power may have been caused by another program not being shut down properly.
7. The Student was instructed in the proper care and handling of the computer, as well as in the use of the software. The Student was instructed in how to "dock" the laptop in order to recharge the battery.
8. The Student's case conference committee (CCC) convened on December 13, 2004, to review new testing information. The School Psychologist was invited to the meeting, but was not present. The TOR read the School Psychologist's evaluation report, but was unable to provide interpretative information for the Complainant. The School was aware that it would probably need to reconvene the CCC to discuss other matters, and the School Psychologist "could then be available on this date, if there were any questions about her psycho-educational report, since she was unable to attend" on December 13, 2004.

#### **CONCLUSIONS:**

1. Findings of Fact #2, #3, #6, and #7 indicate that the School did not fail to provide the Student with a working laptop computer with required programs installed and currently licensed. The School provided three working laptops within a period of about five months. Therefore, no violation of 511 IAC 7-27-7(a) is found with regard to implementing the Student's IEP by providing a working laptop computer and currently licensed software. However, Finding of Fact #4 indicates that the scanner was not provided promptly, and another reinstallation cannot be documented. Finding of Fact #5 indicates similar problems concerning the Kurzweil text-to-speech software and the documentation of its reinstallation. Therefore, a violation of 511 IAC 7-27-7(a) is found with regard to providing the scanner and the text-to-speech software.
2. Finding of Fact #8 indicates that the School failed to ensure the participation in the December 13, 2004, CCC meeting of an individual who could interpret the results of the psycho-educational evaluation. Therefore, a violation of 511 IAC 7-27-3(e)(2) is found.

**The Department of Education, Division of Exceptional Learners, requires corrective action based on the Findings of Fact and Conclusions listed above.**

#### **CORRECTIVE ACTION:**

Jay School Corporation shall:

1. Develop a plan to document all future hardware and software installations, repairs, and replacements pertaining to the assistive technology specified in the Student's IEP. Keep a two-week log of any issues or problems affecting the Student's technology or the Student's use of the technology.

Documentation of compliance (consisting of a two-week log) shall be submitted to the Division by March 25, 2005.

2. Reconvene the CCC by March 1, 2005, to consider whether an extension of time is necessary in order for the Student to complete coursework that may have been affected by assistive technology not being

available during the first half of the 2004-2005 school year.

Documentation of compliance (consisting of CCC meeting notes) shall be submitted to the Division by March 25, 2005. NOTE: The school reports in correspondence of April 7, 2005, that the Case Conference Meeting was delayed until the week of April 4, 2005, due to difficulty scheduling a mutually agreed date, and that Corrective Action #2 is moot because the student was found to have no incomplete coursework.

3. Provide an assurance statement to the Division that, at every CCC meeting in which evaluation results are discussed, an individual will be present who can interpret the instructional implications of evaluation results.

Documentation of compliance (consisting of an assurance statement) shall be submitted to the Division by March 25, 2005.